IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3243 OF 2006

Malutai Akaram Thorawat and anr. Applicants
versus
The State of Maharashtra Respondent

Mr.B.R.Patil for applicants.
Ms.R.M.Gadhavi, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th September 2006

PC :

1. The applicants are the in-laws of deceased Prabhavati whose suicidal death occurred on 30th June 2006. The applicants were arrested by Vadgav Police Station. CR No.72 of 2006 alleging offences punishable under sections 498A, 306 R/W 34 IPC has been registered.

2. The complainant is the father of deceased Prabhavati. A copy of his statement is annexed at Exhibit-A. In the statement it is specifically alleged that the applicants were teasing and tormenting the deceased with regard to her failure to perform household duties as

also agricultural operations. According to the complainant, it is on account of such teasing and tormenting, from time to time, that the deceased committed suicide by pouring kerosene on herself as also two minor sons.

3. The applicants, admittedly, are aged 55 years and 60 years. All investigations are complete and the charge sheet is filed. The learned Judge of the Trial Court before whom the application was preferred has observed that the age factor of the applicants before him deserves to be considered but the age factor of the deceased and her minor children cannot also be brushed aside.

4. While it is true that the incident is unfortunate and the charge is under sections 498A, 306 R/W 34 IPC of IPC, yet, the applicants who are in-laws of the deceased have no criminal antecedents. There are no other allegations save and except the aforesaid. Admittedly, the statement of the father of the deceased proceeds on the basis that the reason why the deceased committed suicide along with her children was a continuous commenting and tonting with regard to the above inability of the deceased. In my view, applying all relevant factors and considering

that the applicants have no antecedents and are ready to abide by all conditions and one of them is a lady, the application deserves to be granted. Accordingly following order.

5. ORDER :-

(i) The applicants shall be enlarged on bail in connection with C.R.No.72 of 2006 registered at Vadgav Police Station, subject to furnishing a personal bond of Rs.5,000/- (Rs.Five thousand only) each with one or two local sureties in the like sum;

(ii) The applicants shall report to Vadgav Police Station once in a forenight;

(iii) The bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicants shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicants to delay the trial may be a ground for cancellation of

bail.

(v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vi) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)